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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,388	07/06/2000	WOLFGANG STELZIG	10191/1355	7376
26646	7590	11/01/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/530,388

Applicant(s)

STELZIG ET AL.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 13, 14 and 19-22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments filed August 10, 2005 with respect to the Lau reference have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Mosebrook et al.
2. Applicant's arguments with respect to Hayashi for claims 11 and 16-17 have been fully considered but they are not persuasive. Applicant argued that Hayashi does not disclose a direction vector for indicating a sequence of a first direction. However, the direction vector of the packet (fig. 10, item 12f) indicates the sequence of relay stations that will be used to transmit a packet in a direction from a source to a destination (col. 9, line 63 through col. 10, line 2).

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 10-12 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi (US 5,907,540) in view of Mosebrook et al. (US 5,848,054).

3. Regarding claims 10 and 12, Hayashi discloses a bus station (fig. 1, items A-E) for exchanging with other bus stations communications including a data packet (fig. 7) and transmission information (fig. 10, item 13d and 13e). The bus station stores position information in relation to a sequence of bus stations (fig. 12, step 806; col. 11, lines 35-41) and forwards a received data packet (col. 12, lines 35-42). However, Hayashi does not disclose determining a time slot belonging to the bus station based on position information and transmitting the packet in the next time slot belonging to the bus station. Mosebrook discloses bus stations that

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determine an appropriate time slot for transmission based on position (fig. 1; col. 7, lines 3-9; col. 26, lines 48-61). Therefore, it would have been obvious to one skilled in the art at the time the invention was made for a bus station to determine an appropriate time period for communication in the invention of Hayashi in order to ensure that data is properly transmitted to a bus station device (Mosebrook, abstract, last six lines).

4. Regarding claims 11 and 16-17, in Hayashi a direction vector indicates a sequence that will be run from a source to a destination (fig. 10, item 12f - RSAF; col. 9, lines 5-16; col. 9, line 63 through col. 10, line 2; col. 10, lines 3-5 and 10-13).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi in view of Mosebrook as applied to claim 10 above, and further in view of Faber (US 5,369,745).

5. Regarding claim 18, Hayashi in view of Mosebrook does not disclose selecting a packet for transmission based on a shorter remaining transit time. Faber discloses selecting a packet for transmission based on remaining transit time (col. 3, lines 40-45) where the unselected packet is not transmitted (processed). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to transmit a packet with the shorter remaining transit time in the invention of Hayashi in view of Mosebrook in order to reduce congestion within the network by transmitting the data packet which will reach its destination soonest (Faber, col. 1, lines 18-25).

Allowable Subject Matter

6. Claims 13-15 and 19-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

October 31, 2005

Seema S. Rao
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